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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MASSACHUSETTS BAY INSURANCE
9 CO., *et al.*,

10 Plaintiffs,

11 v.

12 PUSH HDD, LLC, *et al.*,

13 Defendants.

Case No. C17-1174RSM

ORDER GRANTING PLAINTIFFS'
MOTION TO FILE SECOND AMENDED
COMPLAINT

14 THIS MATTER comes before the Court on Plaintiffs' Motion For Leave to File Second
15 Amended Complaint. Dkt. #22. Defendants have failed to respond to the motion. Under Local
16 Civil Rule 7(b)(2), "[e]xcept for motions for summary judgment, if a party fails to file papers in
17 opposition to a motion, such failure may be considered by the court as an admission that the
18 motion has merit." The Court deems Defendants' failure to be such an admission in this case.
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20 Federal Rule of Civil Procedure 15(a) governs the amendment of pleadings. Under Rule
21 15(a)(2), leave to amend should be freely given "when justice so requires." Fed. R. Civ. P.
22 15(a)(2). The Ninth Circuit has held that leave to amend should be granted with "extreme
23 liberality." *DCD Programs, LTD. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987). The Court
24 must consider whether the proposed amendment (1) would be futile, (2) is the product of undue
25 delay, (3) would prejudice the non-moving party, and (4) was brought in bad faith. *Id.* (stating
26 all four factors). The opposing party bears the burden of showing prejudice, *id.* at 187, which is
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1 the most important factor in whether to grant a motion for leave to amend. *Eminence Capital,*
2 *LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (presumption in favor of granting leave
3 exists absent prejudice or a strong showing of any of the remaining factors). Having reviewed
4 Plaintiffs' motion, and considering Defendants' failure to respond, the Court will allow
5 Plaintiffs' filing of a Second Amended Complaint.
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7 Accordingly, Plaintiffs' Motion to Amend (Dkt. #22) is GRANTED. Plaintiffs shall file
8 with the Court their Second Amended Complaint, as proposed at Dkt. #22-1, **no later than three**
9 **(3) business days from the date of this Order.**

10 DATED this 27 day of November, 2017.
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15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
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